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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/496,549 | 02/02/2000 | GEORGE KING | 96P7613US03 | 5563 |
| 7590 Siemens Corporation Intellectual Property Department 186 Wood Avenue South Iselin, NJ 08830 | | 06/15/2007 | EXAMINER QURESHI, AFSAR M | |
| | | | ART UNIT 2616 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/496,549 | KING, GEORGE |
| | Examiner | Art Unit |
| | Afsar M. Qureshi | 2616 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 January 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 32,37-39 and 41-47 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 32,37-39,41-47 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

In the claims

1. Claim 45 is objected to. In line 2, "means for" is duplicated. It appears to be a typographical error. Appropriate correction is required.

Response to Amendment

2. This Office action is responsive to Pre-Brief appeal conference request (dated 1/3/2007) and subsequent decision to reopen prosecution (dated 5/14/2007).

Response to Arguments

3. Applicant's argued, dated on 1/3/2007 (Pre-Brief appeal conference request) that the cited art US 5,668,857 (McHale) does not meet the specific limitations of the claims, specifically the structure (i.e., one of, *remote line termination unit, a digital line unit, a remote data terminal, a subscriber line interface circuit, or a digital subscriber line module*). Applicant, also argued that no obviousness has been established in view of the secondary reference, US 6,327,258 (Deschaine) since it does not disclose, teach or suggest those limitations [one of, *remote line termination unit, a digital line unit, a remote data terminal, a subscriber line interface circuit, or a digital subscriber line module*]

As in the previous responses to the arguments, Examiner maintained that the splitter unit, for instance splitter unit 25, disclosed by McHale, is functionally equivalent

to one of, remote line termination unit, a digital line unit, a remote data terminal, a subscriber line interface circuit, or a digital subscriber line module, in its broadest reasonable interpretation consistent with the interpretation that those skilled in the art would reach. Since the splitter splits subscriber line into phone line and data line, it seems obvious to one of ordinary skill in the art that the line entering the splitter has to be terminated before being converted to telephone and digital data line. If the line enters a unit in a particular way, say phone line, and leaves the unit same way, i.e., phone line, then it would have been possible to assume that the splitter unit is not equivalent to one of, remote line termination unit, a digital line unit, a remote data terminal, a subscriber line interface circuit, or a digital subscriber line module since no conversion is taking place inside the splitter unit.

In the Office action, below, Deschaine (US 6,327,258) is withdrawn. However, Examiner contends the cited reference is in the same field of endeavor (*'routing Internet calls'* and *'bypassing the switch'*). Furthermore the rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may expressly or impliedly be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles or legal precedent established by prior case laws.

This Office action is made Final since no new subject matter is added to the claims or no amendments are made in the claims and rejection is based on the previously cited reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32,37-39 and 41-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHale (US 5,668,857).

Claims 32, 37-39, 41. McHale discloses method and apparatus to carry out the method for routing a digital data call on a subscriber line (see figure 1). Digital data call, on the subscriber line, is acquired by splitter 25 (one of, *remote line termination unit, a digital line unit, a remote data terminal, a subscriber line interface circuit, or a digital subscriber line module*) where the call is terminated and split into phone line and data line. The digital data is routed to destination 64, via router 60 on data line 54 that is *external to the switch 56* (see col. 2, lines 22-36, col. 4, lines 4-46).

As to claims 37 and 39, McHale further discloses a method step for assigning a logical identifier to the digital data call associated with the subscriber line (see col. 12, lines 42-54).

It is readily understood by an artisan, in the same field of endeavor, that in order to assign a logical identifier to the digital call from a subscriber it is necessary to assign

an address for the call to reach its destination and then associate this call with the subscriber line. Without associating the call with a particular port or subscriber line the call cannot be routed, e.g., if a call is forwarded from a network 64 and to be routed to subscriber 12 (as shown in figure 1 – McHale) it is necessary that the call is to be associated to a port or subscriber line coupled to subscriber 12 (claims 37 and 39).

Claims 42, 45. As discussed in the rejection of claim 32, above, splitter unit 25, where the digital call is being terminated, is remote from the central office 14 (fig. 1).

Claims 43, 44, 46 and 47. McHale discloses a digital processing circuitry (col. 11, lines 51-66) in the controller of the communication server 58, comprising the elements used in converting the digital data call to a digital data stream using XDSL communication protocol (see col. 7, lines 1-8, 28-40 and col. 11, lines 51-61). It would have been obvious to one of ordinary skill in the art, at the time of invention, to add digital processing circuitry in the subscriber unit (splitter 25) so that a digital data stream can be communicated over subscriber line 16 (fig. 1).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Deschaine et al. (US 6,327,258).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Field Lynn can be reached on (571) 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**AFSAR QURESHI
PRIMARY EXAMINER**

6/12/2007